

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE  
2006 NOV 15 P 2:00  
U.S. DISTRICT COURT  
DISTRICT OF MASS.  
NO. 04-10718-RGS  
CIVIL ACTION

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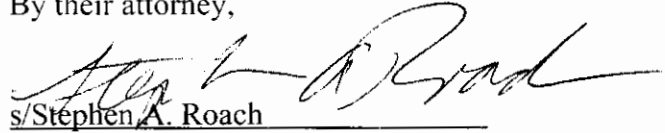
STEVEN HORNE and )  
RONALD BROWN, )  
 )  
PLAINTIFFS )  
 )  
v. )  
 )  
CITY OF BOSTON, )  
SGT. ERIC BULMAN, and )  
SGT. JOHN DAVIN, )  
 )  
DEFENDANTS )  

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**PLAINTIFFS' MOTION FOR LEAVE TO FILE A SUR-REPLY TO DEFENDANTS'  
REPLY TO PLAINTIFFS' OPPOSITION TO MOTION FOR SUMMARY JUDGMENT  
OF DEFENDANTS ERIC BULMAN AND JOHN DAVIN**

Pursuant to Local Rule 7.1(3), Plaintiffs Steven Horne and Ronald Brown hereby move to file a Sur-Reply to the anticipated Reply of Defendants Eric Bulman and John Davin to the Plaintiffs' Opposition to the Defendants' Motion for Summary Judgment. As grounds for this Motion, the Plaintiffs state that in their Opposition they pointed to and discussed several factual and legal misstatements the Defendants made in their Motion. Anticipating additional such misstatements will appear in the Defendants' anticipated Reply, if the Court gives leave for the Defendants to file a Reply, the Plaintiffs simply seek an opportunity, once again, to correct the record and to properly set forth the applicable law.

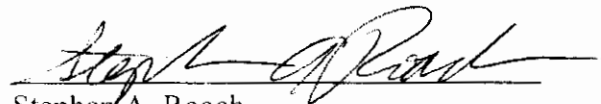
PLAINTIFFS,  
STEVEN HORNE, and  
RONALD BROWN,  
By their attorney,  
By their attorney,

  
s/Stephen A. Roach

Stephen A. Roach, BBO No. 542138  
ROACH & WISE, LLP  
31 State Street  
Boston, MA 02109  
(617) 723-2800

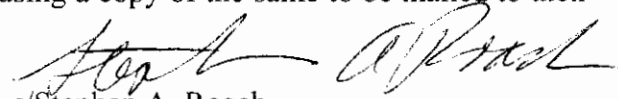
LOCAL RULE 7.1 CERTIFICATION

I, Stephen A. Roach, Attorney for the Plaintiffs, certify that I conferred with counsel for Defendants in a good faith attempt to resolve or narrow this issue related to the within Motion.

  
Stephen A. Roach

CERTIFICATE OF SERVICE

I, Stephen A. Roach, Attorney for Plaintiff, hereby certify that on November 13, 2006, I served Defendants with the within document by causing a copy of the same to be mailed to their counsel of record and to be served electronically.

  
s/Stephen A. Roach  
Stephen A. Roach